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PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
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FEE RECORD SHEET

Adjustment date: 11/22/1999 TSTOKES  
08/03/1999 NVILLARI 00000006 09362485  
01 FC:101 -760.00 OP

Adjustment date: 11/22/1999 TSTOKES  
11/15/1999 JARTIS 00000039 132855 09362485  
01 FC:105 65.00 CR -65.00 OP

11/22/1999 TSTOKES 00000001 09362485

01 FC:201 380.00 OP  
02 FC:205 65.00 OP

Refund Ref:  
11/22/1999 TSTOKES 0000086817

CHECK Refund Total: *OK* \$315.00

Refund Ref:  
11/22/1999 TSTOKES 0000086818

CHECK Refund Total: *OK* \$65.00

PTO-1556  
(5/87)

## MARSHALL, O'TOOLE, GERSTEIN, MURRAY &amp; BORUN

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November 19, 1999

FACSIMILE TRANSMITTAL SHEET

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TO: Ms. Stokes  
Assistant Commissioner for Patents  
FAX NO.: 1-703-308-2840

CLIENT NO.: 29473  
MATTER NO.: 35834 US

FROM: Richard L. von Holst  
FAX NO.: (312) 474-0448

PAGES (INCLUDING THIS PAGE): 8PLEASE CONFIRM RECEIPT: Yes

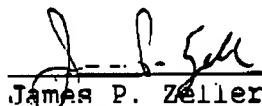
**MESSAGE:** Dear Ms. Stokes, pursuant to our phone conversation of today's date, please find attached copies of the original of the following: "Establishment of Small Entity Status and Request for Refund", "Return Receipt Postcard", and the mailing package the items were placed in. As you recall, the items were returned, un-opened and with no explanation, by the U.S. Post Office. It is my understanding that you will consider the above-items timely filed and will issued a refund of one half of the filing fee in due course. Thank you very much for your help in this matter.

Please contact Richard von Holst at (312) 474-6670, if you do not receive all of the pages in good condition.

\*\*\*\*\*

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PATENTIN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicant:	)	I hereby certify that this
	)	paper is being deposited
Flohé et al.	)	with the United States
	)	Postal Service as first
Serial No.: 09/362,485	)	class mail, postage
	)	prepaid, in an envelope
Filed: July 28, 1999	)	addressed to: Assistant
	)	Commissioner for Patents,
For: TEST KIT FOR	)	Washington, DC 20231 on
TUBERCULOSIS DIAGNOSIS BY	)	this date:
DETERMINING ALANINE	)	
DEHYDROGENASE	)	September 28, 1999
	)	
Group Art. Unit: To be	)	
assigned	)	
	)	
Examiner: To be assigned	)	
	)	
	)	
	)	James P. Zeller
	)	Reg. No. 28,491
	)	Attorney for Applicant

ESTABLISHMENT OF SMALL ENTITY  
STATUS AND REQUEST FOR REFUND

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Submitted herewith is a "Verified Statement Claiming Small Entity Status -- Small Business Concern" executed by Leopold Flohé in the above-identified application.

The filing fee of \$760.00 paid July 28, 1999, in the above-identified application was calculated on a large entity basis. In view of the small entity status being established herewith, a refund in the amount of \$380.00, one-half of the filing fee paid, is hereby requested. The refund should be directed to the undersigned attorney's law firm at the indicated address.

Nov. 19, 1999

2:46PM

MARSHALL, O'TOOLE

No. 9797 P. 3/8

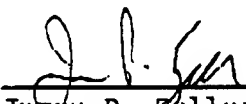
From: 0670

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,  
MURRAY & BORUN

September 28, 1999

By

  
James P. Zeller  
Reg. No. 28,491

6300 Sears Tower  
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Chicago, Illinois 60606-6402  
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**PATENT**

Attorney's Docket No: 29473/35834

Applicant or Patentee: Flohé et al.  
Serial or Patent No: 09/362,485  
Filed or Issued: July 28, 1999  
For: TEST KIT FOR TUBERCULOSIS DIAGNOSIS BY  
DETERMINING ALANINE DEHYDROGENASE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(c)) -- SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ The owner of the small business concern identified below:
- ☒ An official of the small business concern empowered to act on behalf  
of the concern identified below:

NAME OF CONCERN Leopold Flohé

ADDRESS OF BUSINESS Im Vogelsang 5, D 38304 Wolfenbuettel,  
Germany

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention, entitled TEST KIT FOR TUBERCULOSIS DIAGNOSIS BY DETERMINING ALANINE DEHYDROGENASE, by inventors Leopold Flohé, Mahavir Singh, Bernd Hutter, and Arend Kolk.

described in

- ☐ The specification filed herewith.
- ☒ Application Serial No. 09/362,485 filed July 28, 1999.
- ☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).*

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TITLE OF PERSON OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

SIGNATURE: 

Date September 15, 1999

Nov. 19, 1999

2:47PM

MARSHALL, O'TOOLE

No. 9797 P. 7/8

From:0670

29473/35834

092899-05

The Patent Office is hereby requested to acknowledge receipt  
of the following papers by stamping and returning this card.

Flohe et al.

09/362,485

Establishment of Small Entity Status and Request for  
Refund

w/ Certificate of Mailing dated September 28, 1999